

REMARKS

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests reconsideration of the claims in view of the amendments above and the remarks presented below.

1. Double Patenting

The Office has rejected Claims 1-4 and 7-9 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,602,227. As recited in the Office Action:

"A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken with the scope of a joint research agreement."

A terminal disclaimer to obviate the double patenting rejection under 37 C.F.R. § 1.321(c) is attached hereto and the Office is requested to withdraw the nonstatutory double patenting rejection.

2. Rejection of Claim 6 because of dependence on rejected base Claim 1

The Office has objected to Claim 6 as being dependent upon base Claim 1, which was rejected in the Office Action because of nonstatutory double patenting. Whereas the terminal disclaimer obviates the double patenting rejection of base Claim 1, it is unnecessary to rewrite Claim 6 in independent form. Therefore, the Office is requested to allow Claim 6 as previously amended.

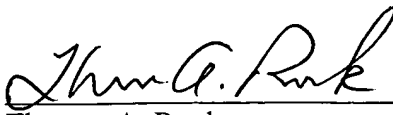
Conclusion

Applicant has attempted to address all issues raised in the subject Office Action and requests reconsideration of the application. In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance.

Applicant believes that no fee is due with respect to this paper, but if one is in fact due,
The Commissioner is authorized to charge Deposit Account No. 06-2425 for that fee.

Respectfully submitted,

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